

# **ISLAMIC RULINGS ON WARFARE**

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## FOREWORD

The United States no doubt will be involved in the Middle East for many decades. To be sure, settling the Israeli-Palestinian dispute or alleviating poverty could help to stem the tides of Islamic radicalism and anti-American sentiment. But on an ideological level, we must confront a specific interpretation of Islamic law, history, and scripture that is a danger to both the United States and its allies. To win that ideological war, we must understand the sources of both Islamic radicalism and liberalism. We need to comprehend more thoroughly the ways in which militants misinterpret and pervert Islamic scripture. Al-Qaeda has produced its own group of spokespersons who attempt to provide religious legitimacy to the nihilism they preach. Many frequently quote from the Quran and *hadith* (the Prophet Muhammad's sayings and deeds) in a biased manner to draw justification for their cause.

Lieutenant Commander Youssef Aboul-Enein and Dr. Sherifa Zuhur delve into the Quran and *hadith* to articulate a means by which Islamic militancy can be countered ideologically, drawing many of their insights from these and other classical Islamic texts. In so doing, they expose contradictions and alternative approaches in the core principles that groups like al-Qaeda espouse.

The authors have found that proper use of Islamic scripture actually discredits the tactics of al-Qaeda and other jihadist organizations. This monograph provides a basis for encouraging our Muslim allies to challenge the theology supported by Islamic militants. Seeds of doubt planted in the minds of suicide bombers might dissuade them from carrying out their missions. The Strategic Studies Institute is pleased to offer this study of Islamic rulings on warfare to the national defense community as an effort to contribute to the ongoing debate over how to defeat Islamic militancy.

DOUGLAS C. LOVELACE, JR.  
Director  
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## SUMMARY

The authors of this monograph share their respective connections with the topic.

Lieutenant Commander Aboul-Enein: In 2000, I encountered Dr. Bernard Lewis, a famous Princeton scholar of Islamic history and author of many books on Islam, delivering a speech on Capitol Hill. He stressed the importance of classic Arabic and Islamic texts. Later, when confronting extremist interpretations of Islam, I saw the importance of these texts, especially the Quran (the Islamic book of divine revelation), the *hadith* (Prophet's Muhammad's sayings and deeds), and the 1,400 plus years of commentary, which essentially run counter to current jihadist ideology.

Dr. Zuhur: For 20 years, I have interviewed Egyptian, Syrian, Jordanian, Palestinian, Saudi, and other Islamists who cite verses from the Quran to support their worldview of necessary and continuous conflict between Islam and the West. Yet, throughout my own education, I was exposed to liberal and humanistic interpretations of Islamic doctrine and law. Now we ask: Which Islamic vision is to prevail?

Muslim education in many schools has been reduced to the memorization of slogans and parroting of particular interpretations, and lacks deep inquiry and debate. The main perpetrator of the September 11, 2001 (9/11), attacks, Mohammed Atta, left a last will and testament in which he declared a desire for paradise, virgins, and self-gratification through martyrdom. It is doubtful that he spent a considerable time studying Islamic classic texts that reveal the history and methodology of warfare, or exploring the intricacies of the debate over morality in war in which early Muslims engaged. His version of Islam is one of misguided faith and misplaced loyalty to those who hide Islam's rich 14 centuries of discussion, debate, and intellectual exploration. To Atta and the others who perpetrated the 9/11 atrocities, intellectual inquisitiveness is considered troublesome, for it produces a powerful alternative to the radical vision of the Islamic mission. In fact, radicals deem liberal Islamic readings of scripture and teachings "heretical."

Since 9/11, the United States has grappled with how to counter the abuse of Islam by militants who inspire indiscriminate mass

murder and suicide. Some studies argue that solving the Israeli-Palestinian dispute or addressing poverty would offer immediate relief from Islamic militancy. Certainly, programs addressing the political and economic crises in the area should be undertaken. But these alone will not solve the expansion of Islamic radicalism.

Islamic radicalism does not stem solely from desperation, nor from a sense of inferiority, as some theorists maintain. Instead, in the 31/2 decades of this recent period of Islamic revival and militancy, we have seen that radicals come from a variety of social and educational backgrounds and political circumstances.

Hence, we also need a long-term strategy that involves discrediting Islamic militant thought, such as that propagated by al-Qaeda's strategist Ayman al-Zawahiri in several books that draw upon a combination of the Quran, the *hadith*, and radical Islamic texts written from the 13th to the late 20th century.

The al-Azhar University in Egypt is an intellectual center of Sunni Islam. The leading scholars of al-Azhar, along with many other Islamic scholars in other countries, have produced more liberal interpretations of Islamic rulings. They have issued opinions that promote rethinking and reform of many social issues, and have condemned beheadings and suicide attacks. Unfortunately, the liberal and establishment clerics attract less attention and media coverage on the world stage than the radical voices. They may not be as popular with the Muslim public due to their identification with undemocratic states, or their previous efforts to legitimize the actions of certain governments. Modern nation-states, such as Egypt, Syria, and Iraq, incorporated long-standing religious institutions and clerics into their states and official apparatuses. The *muftis* (person responsible for interpreting Muslim law) of cities or entire countries became subject to governmental policy, as did the control over religious endowments (*awqaf*).

Some rulers or political leaders expected their clerical appointees or other sympathetic clerics to issue rulings that sanctioned unpopular positions or bolstered the power of said political leaders. Other clerics and many Muslims felt that this new modern entanglement of state and religion contravened the special intellectual freedom and political independence that religious scholars had guarded. Radical Islamists then claimed, with some justification, that other,

often esteemed clerics were tools of corrupt or secular governments. However, radical interpretations of Islamic scripture fail to present the full range of opinion on important issues and mislead their admirers.

This monograph reviews Islamic scripture and the complexity of Islamic rules of war. It notes that classical Islamic scholars wrote about truces, types of combat, prisoners of war, division of spoils, and debated and developed principles that are very similar to St. Thomas Aquinas' precepts of just war. A glossary of Islamic terms, personalities, and organizations is provided at the end of this monograph for readers less familiar with Islamic terminology.

The monograph encourages moderate Muslims to mount a major ideological campaign to counter those who have hijacked Islam with their destructive interpretation of Islamic scripture. Comprehending this endeavor will be vital to any strategy that seeks to dissuade young Muslims from the nihilism of Islamic militancy.



# ISLAMIC RULINGS ON WARFARE

## Introduction.

Islamic rules of warfare are complex, appear to be contradictory and require careful analysis. The simplistic visions of paradise for suicide bombers preached by militant *jihadist* clerics defy over 1,400 years of Islamic history and wisdom. Yet those like Osama Bin Laden, Ayman al-Zawahiri, or Abu Musab al-Zarqawi are not ignorant of Islamic law and use it selectively to pursue their agenda of mass murder and hatred. This monograph will introduce readers to Islamic principles of warfare and its conduct.

These principles are contained within a body of Islamic legal rulings that has grown over the centuries. They reflect the pre-Islamic war practices of the Arab tribes, early and more recent periods of Muslim expansion, and confrontations with Western and Eastern powers, such as the Mongols and the Crusaders. The two most important sources for Islamic law known as *shari'ah* are first, the sacred text, the Quran (the Muslim book of divine revelation) and second, the prophetic tradition. This tradition consists of short anecdotal accounts of the Prophet Muhammad's actions or opinions preceded by a list of transmitters, termed the *hadith*. References to this tradition will be limited to seven collections of *hadith*, and these will be identified by the names of their authors: al-Bukhari, al-Tirmidhi, Muslim, Abu Dawud, al-Nisa'i, al-Nawawi, and Ibn Majah.

Readers will gain an understanding of the complexities of Islamic rulings on warfare and obtain some insight into the Muslim vocabulary of war that extends well beyond the words "martyr" (*shahid*), and "holy war" (*jihad*). They will learn that Islamic rules of war evolved from the 27 battles in which Prophet Muhammad played a direct or indirect role. The commentaries of the Prophet's political successors, the first caliph, Abu Bakr, and second caliph, `Umar, on warfare are also mentioned, as are modern revisions of these rules of war.

The concept of suicide is missing from earlier religious commentaries on war. This is, no doubt, because suicide is not permissible in Islam. Although fighting with apparent suicidal

intent at times has been a historical characteristic as chronicled in battle epics and popular literature, the recent suicide bombings are a product of contemporary politics. If a would-be suicide bomber of Hamas, Islamic *Jihad*, or al-Qaeda were properly introduced to the richness of Islamic thought on warfare, he or she would realize that suicide bombings are not part of this heritage. Al-Qaeda, Hamas, Hizbullah, and other groups purposefully suppress this fact because it does not fit their agenda. They fear Islamic legacies, *turath*, that do not conform to their radical ideology.

Islamic texts on warfare actually focus on the concepts of just war, typologies of conflicts, treatment of the vanquished, division of spoils, and the upholding of Islamic law, given the travel and exchange between Muslim and non-Muslim territories. One such classic of the 14th century, *The Dispelling of Fears in the Management of Wars* (*Tafrij al-qurub fi tadbir al-hurub* by `Umar ibn Ibrahim al-Awasi al-Ansari), deals with cavalry tactics, infantry deployments, espionage and selection of encampments.<sup>1</sup> The 1961 edition, edited/translated by George Scanlon, mentions over 40 classical Arabic texts on warfare written between the 8th and 15th century, and addresses such topics as the Persian use of cavalry, 72 basic uses of the lance, battle formations, and the Greek, Persian, Mesopotamian, and Maghribi (North African) styles of cavalry training.<sup>2</sup> Another volume important to scholars which focuses on the Islamic "law of nations" is *The Book of the Law of Nations* compiled by Shaybani. It is a precursor to international law that provides many details on the legality, typology, and rules of military engagement, truces, and relations between Muslims and the enemy groups or states that surrounded them in the earliest period of Muslim expansion.<sup>3</sup>

Some Western readers will probably find the Islamic rulings on war to be contradictory. It may not be clear whether they promote war or peace. Muslims believe the Quran to be divinely revealed, and Quran experts hold that the text must be understood in the spirit of its entirety, and not simply reduced to selected verses or phrases. Surah 3, al-Imran, verse 7 reads:

And those who are firmly grounded in knowledge say: "We believe in the Book; the whole of it is from our Lord:" and none will grasp the Message except men of understanding.

As the Quran is not always linear in format nor explicit, it requires interpretation, not least because it is read as a living text, for its contemporary, as well as historic significance. Muslims, who have no central authority like the Roman Catholic Pope, seek the guidance of religious scholars, or clerics.

Similarly, there is no single interpretation of religious law. Instead, four legal schools survive in Sunni Islam, the larger of the two branches of Islam, the second being Shi'a Islam. Shi'a Islam, which represents about 10 percent of the world's Muslims, has its own legal schools. The fundamental division between Sunni and Shi'a Islam goes back to the Prophet Muhammad's demise. Muslims disagreed as to who should be his successor (Caliph, or *khalifa*, literally, the one who follows). Some believed that the Caliph should be of the Prophet's "house," and preferred his son-in-law and cousin, 'Ali.

Believers generally follow the legal school of their family, and may resort to a cleric of that school in requesting legal guidance, or a specific opinion, or *responso* (*fatwa*). While they usually accept that opinion, they have the freedom to accept or disregard rulings, or even to request a *fatwa* from a different jurist.<sup>4</sup> Also, in many Muslim nations where Islamic law courts are no longer operating or no longer the single form of justice, civil legislation often involved clerics' consultations or contestations. Aspects of civil law, for instance, family law, may be based upon Islamic law. In some cases, scholars and lawmakers drew on more than one school of law to modernize legal codes. Unfortunately, this very spirit of intellectual freedom and flexibility can enhance the power of radical interpretations of war, since Muslims may also choose to follow the teachings or opinions of militants.

## Typologies and Terminology of Islamic Warfare.

1. *Harb* is the general term for war.

2. *Jihad*, which literally means struggle, typified the conflicts of the Muslim community at Medina with the polytheistic Meccans, and the subsequent wars of expansion. The primary purpose of *jihad* was to fight for Islam against unbelievers. Conflict between Muslims, such as the feuds of the pre-Islamic Arabs, was to be avoided and was not categorized as *jihad*, or fighting "in the path of God."

Islamic law, with its official “rulings” about war, had not yet come into being in the first Islamic century and slowly evolved, carrying overlapping layers of corrective interpretation.<sup>5</sup> A key and continuous theme was that war was to be waged in accordance with religious principle—*bellum pium* (literally, pious war, or war in accordance with God’s will) as well as *bellum justum* (just war).<sup>6</sup> A second theme and debate concerned the nature of the injunction to *jihad*. Muslims define the requirements of Islam as being binding and collective duties, or individual duties. *Jihad* has been defined as being both a collective and an individual duty. Hence interpreters write that if Islam, or the Muslim community, is attacked, *jihad* is incumbent upon all Muslims and is required even of those who are normally noncombatants. Then, the nature of an attack, whether imminent and literal or the drawn out cultural onslaught of the West in tandem with specific political or military actions such as the war in Iraq, could alter the understanding of the *jihad* duty.

However, the requirement to participate in a *jihad* could be met in several ways: by waging war a) with the heart, b) with the tongue, c) with the hands, and d) with the sword. *Jihad* also means a personal struggle to live as a true Muslim. When *jihad* is considered a collective duty, there is no need to have a religious or political official proclaim it. However, from the standpoint of an individual duty and a just pursuit of war, this should occur.

The Islamic law of nations (*siyar*) defines a “nation” as a group of related individuals. A “nation” did not, in the pre-modern world, imply all those who lived within a territory. Many of the Muslim warriors were simultaneously members of the Arab and Muslim “nations” in contrast with other ethnic and religious groups who lived within the areas gained by the caliph. Under this definition of nationhood, the notion of *jihad* as an individual duty actually is strengthened, whereas radicals and conservative Muslims define *jihad* as an immediate and collective duty.

Further, this law recognized and was organized into two categories dealing with the abode, or territory of Islam (*dar al-Islam*); and the abode of war (*dar al-harb*, lands not controlled by Muslims). Those from the abode of war should only enter Muslim territory under an agreement known as an *aman* that entitled them to trade, or to serve as an emissary, or to enter for other peaceful purposes.<sup>7</sup>

Islam's rules of war have not always been respected, however. Rulers or other individuals, on occasion, declared *jihad*, even when clerics refused to categorize the conflict a true *jihad* whether because the enemy was a Muslim force, or the leader who had declared war did not hold religious legitimacy.<sup>8</sup> For instance, during World War I, the Ottoman sultan declared a *jihad*. The Muslim world had not acknowledged nor sworn allegiance to him as the Caliph of all Muslims.

The Prophet Muhammad's form of leadership was unique in Muslim history in that he carried out religious, legislative, and political functions along with his military status as Commander of the Faithful. After Muslims had divided into different groups beginning in the 10th century, based primarily on their vision of appropriate political leadership, those that we now term Sunni Muslims believed that *jihad* could be declared by a political leader with the sanction of religious authorities. Shi'a Islam held that only a just *Imam* could declare *jihad* for he was infallible and could prevent needless violence and ensure that the *jihad* is properly guided.<sup>9</sup>

### Types of *Jihad*.

Islamic jurists considered different types of *jihad*. Certain categories might be waged against Muslims as well as non-Muslims.

- The most permissible form of *jihad* was that pursued against unbelievers or polytheists.
- *Jihad* against apostasy. Apostasy is a capital crime in Islam; here it could mean that an individual renounced his belief in Islam or, as with the tribes who seceded from their alliance with the Muslims after the Prophet's death, it could refer to a group of Muslims who denied their faith.
- *Jihad* against dissension or sedition. Since Muslims gave an oath of allegiance to their leader, none should revolt against him.<sup>10</sup>
- *Jihad* against brigands and deserters.
- *Jihad* against the Peoples of the Book (*ahl al-kitab*), Jews, Christians, and by some definitions, Magians and Sabeans.<sup>11</sup>
- Some jurists considered defense of the frontiers (*ribat*) to be a requirement of Muslims comparable to *jihad*.<sup>12</sup>

1. *Qital* (fighting, or killing) is also used in the Quran. But unlike *jihad*, it is not followed by the phrase, “fi sabil Allah” (in the path of God). Three types of military action were introduced during Prophet Muhammad’s time (590-632 A.D.). The terms carry a particular legitimacy due to their derivation in this early period, and their relationship to the Prophet’s practice.

2. *Ghazw* is a raid that has evolved into the term for battle, *ghazah*, or *ghaziwa*. These were battles in which the Prophet Muhammad personally participated. The term *ghazi* came to mean “warrior for the faith,” as these battles came to be associated with the expansion of Muslim territory.

3. *Siriya* (s.) *Saraya* (pl.) were battles Prophet Muhammad commissioned but did not lead. This is also the name for raiding parties and reconnaissance groups, usually on horseback, which he authorized.

4. *Ba`athla* (s.) *Ba`athlat* (pl.) were expeditions or missions primarily diplomatic in nature (e.g., a courier or political exchange), but which some consider combative. It differed from *saraya* in size.<sup>13</sup>

These terms, derived from the early Islamic texts on warfare, are part of a particular discourse on conflict that differs in some ways from Western traditions.

## **Analysis of the Quranic Verses of War.**

When the Prophet Muhammad finally realized his role as a Messenger of God, he taught and preached nonviolently for 14 years in the midst of a hostile Meccan population. He and his followers were subjected to hatred, persecution, and violence. Finally, the Prophet and his followers were invited to migrate to a new community, Yathrib, that would become the city of Medina. The people of Yathrib extended that invitation as they wanted the Prophet to adjudicate their disputes. The Muslims were not safe there, however, and fought their Meccan enemies until they defeated them, next expanding to threaten and then defeat the Sassanians and eastern provinces of the Roman empire. During this period, Islam’s first principles of war developed.

The Quran,<sup>14</sup> which is divided into 114 *suras* or chapters with 6,219 *ayat* or verses, may be subdivided into two periods of revelation,

the Meccan and Medinan, marking the time when Muhammad left Mecca and went to Medina in order to escape persecution. Specific verses that sanction fighting against persecution are called the Sword Verses. But other verses speak of fighting in a just manner, and still others could be termed Verses of Peace and Forgiveness. Certain scholars and radicals taught that the Sword Verses abrogated, or nullified, the Verses of Peace.

Verses that clarify the Quranic versions of war include:

Invite (mankind, O Muhammad) to the way of your Lord with wisdom, reason and clear intentions. Truly your Lord knows best who has gone astray from His Path, and He is the best aware of those who are guided. (al-Nahl, Verse 125)

This verse—one not mentioned in al-Qaeda manuals—argues for a rational exchange of ideas, the freedom of choice in worship, and asks us to leave the judging of others to God. Although many Westerners have read that the goal of Muslims is to convert the entire world through *jihad*, this is far from the truth. Authorities explain that conversion by the sword is not a reasonable expectation; instead the acceptance of Islam should be the result of free will.<sup>15</sup>

Another verse that early Islamic scholars have explicitly used to dissuade the practice of waging a *jihad* of forcible conversion is “There is no compulsion in religion . . .” (al-Baqarah, Verse 256). This verse also implies that the duties of a Muslim are not meant to be onerous, and cannot be enforced by individuals or by a government upon all. Hence, this verse was quoted by Muslims who decried the excesses of the Islamist-style regime of the Islamic Republic of Iran. Clearly leaving ample room for human rationalization, commentators have discussed the importance of free will based on this verse. Islamists, steeped in their faith, quote the Quran in a quest to create their own vision of an Islamic state. However, they selectively draw on Quranic verses and purposefully omit injunctions that do not suit their political agenda.

Islam’s preeminent historian and Islamic scholar Ibn Kathir wrote that early Muslims from the Meccan period were taught patience, forgiveness, and restraint. The concept of *jihad* as an Islamic form of warfare did not develop until Muhammad’s Medinan period of

revelation.<sup>16</sup> When Muhammad left Mecca for Medina and became the leader of the new Muslim community, it became clear to Meccan merchants, and that city's leader, Abu Sufyan, that Muhammad could obstruct their access to trade routes to Syria and Egypt. The combination of economic pressures on Medina from the mass migration, animosities between different groupings of Muslims and their allies, and Meccan hostility would eventually explode into a series of wars. The revelation of the first verses sanctioning Islamic warfare appeared at this time: "And fight in the way of God those who will fight you, but transgress not, for God does not like the transgressors" (al-Baqarah, Verse 190). Islamists often quote the first phrase of this verse, but fail to address or explain the issue of transgression that occurs in the second phrase. Early Islamic scholars, in contrast, derived the concepts of just war and offensive *jihad* from the second half of this verse.

Verses 190 to 195 of the al-Baqarah chapter are *jihadic* verses that sanction warfare, always with the caveat of restraint.

And kill them whenever you find them and turn them out from where they have turned you out. And *fitnah* is worse than killing . . . But if they attack you, then kill them. Such is the recompense of the disbelievers. But if they cease, then God is Oft-forgiving and most merciful. (al-Baqarah, Verses 191-192)

Note that the tone of the verse is self-defense and self-preservation, which reflects what Muslims experienced in Medina, facing a much more powerful Meccan opponent. *Fitnah*, a key word in the Islamic militant vocabulary, is defined as "polytheists" in the Wahhabi translation of the Quran. However, the term is classically defined as sedition, insurrection, civil strife, temptation, and enticement,<sup>17</sup> and the first three notions accord with types of *jihad* earlier described. So *fitnah* refers to an internal conflict, as opposed to a *jihad* against unbelievers.<sup>18</sup> Polytheism in Arabic has a specific word, *shirk*. Yet, in this misleading translation and interpretation, rebels become polytheists, whereas in the classical texts on *ahkam al-bughat* (the judgment of rebels, or law of insurgency), the jurists agreed that they should be reconciled with their ruler, rather than being punished or killed.<sup>19</sup> We may conclude that (a) this interpretation supports the

rather insecure modern states against their enemies, or (b) it sanctions violence against rebels in contradiction to the classical stance, and (c) it is being misused by various nonstate actors to sanction their violence against fellow Muslims.

A voluminous literature exists on the development of Islamic rulings. The authors do not intend to cover every aspect in this monograph. Nor do we mean to oversimplify Islamic concepts, but rather to provide clear explanations for those with little background in topic of war in Islam. One obstacle for newcomers to the topic is the fact that the Quran was revealed in Arabic, and the texts that explicate the Quran are not particularly easy to comprehend without a background in religious or Islamic studies. It is important for those studying the Quran to understand that the book has multiple translations and interpreters. Translated English versions range from the more moderate version of Yusuf `Ali to the above-mentioned radical Wahhabi translation published by scholars at Saudi Arabia's Islamic University in Medina.

In *madrasahs* (Islamic schools) in the Muslim world, Arabic is taught as an archaic and revered language, with a focus on pronunciation to aid in rote memorization. As the majority of Muslims in the world are not Arabs, this process means that students are attempting to learn an unfamiliar and complex grammar as part of this process. Hence, in many countries such as Pakistan, Indonesia, or Afghanistan, little attention is given to exploring the actual implications and applications of Prophet Muhammad's words or to the differences in interpretation that can be lent in translation. Further, even native speakers of Arabic are fluent in dialects that vary from 7th century "classical" Arabic and do not easily read or comprehend older texts which possess specialized, often archaic vocabulary, idioms, and references. While native speakers may have memorized portions, or even all of the Quran, the works of interpretation and *hadith* scholarship require guidance and interpretive skills. For these, students must rely on their instructors whose expertise and ideological orientation vary.

To counter those who approve of suicide bombings as a legitimate tactic, Verse 195 of al-Baqarah clearly instructs: "And spend in the cause of God, do not throw yourselves into destruction and do good for, verily, God loves those who do good." One interpretation is that all who can afford to do so must support the war, if it is "just and in

the cause of Allah.”<sup>20</sup> But Rudolph Peters points out that this verse also convinced certain Muslim intellectuals in the colonial period that, due to the military superiority of the colonizer, *jihad* was no longer obligatory.<sup>21</sup>

The Wahhabi interpretation of this verse editorializes about *jihad* without referencing the Arabic version. Although “And spend in the cause of God” could also be translated, “And *give* to the cause of God,” here the Wahhabi version reads “And spend in the Cause of Allah (i.e., *Jihad* of all kinds, etc.) and do not throw yourself into destruction (by not spending in the your wealth in the Cause of Allah) and do good.” The Cause of Allah is linked in the interpreters’ views to *jihad*, whether effort or warfare. An instructor or Islamic cleric can then engineer his students’ understanding of this text by teaching them primarily, or solely, as it relates to the warfare meaning, and by implying that *jihad* is consistently required. If the students then turn to the essay on “The Call to *Jihad* in the Qur’an” in the Wahhabi interpretation,<sup>22</sup> they will find the strongest exhortation to an “obligatory” *jihad*.

Other verses also forbid suicide.

Oh ye who believe! Eat not up your property among yourselves in vanities. But let there be amongst you traffic and trade by mutual good will. Nor kill (or destroy) yourselves; for, verily, Allah hath been to you Most Merciful. If any do that in rancour and injustice—Soon shall We cast them into the Fire: and easy it is for Allah. (al-Nisa’, Verses 29-30).

According to various *hadith*, including those in al-Bukhari’s collection (244-245), a person who commits suicide will be punished in the Hereafter by a perpetual re-enactment of his death by whatever method was chosen.<sup>23</sup>

Some of the more contradictory verses include Surah al-Tawba: 29, a Sword Verse:

Fight against those who believe not in God and the Last Day [of Judgment], nor forbid that which has been forbidden by God and his Messenger, and those who acknowledge not the religion of truth among the people of the scripture [Jews and Christians] until they pay the jizyah [a tax levied on Jews and Christians], and feel themselves subdued.

Verses 29 to 40 in al-Tawba appear to contradict earlier Meccan verses on tolerance. Peters explains that scholars see these verses as abrogating, or rendering void the earlier verses where Muhammad was ordered to preach, but avoid conflict with the unbelievers. Then, he was to discuss and try to convince them to believe (as in Verse 16:125).<sup>24</sup>

Mahmud Shaltut, the *Shaykh* or Rector of al-Azhar University from 1958-63, was one of the, if not the, most important voices of Islamic reform in the 20th century. Noted for his enlightened, liberal exegesis of the Quran, he wrote at length on the theme of fighting and *jihad*, explaining that the Prophet had restrained his followers who yearned to retaliate against the persecution they experienced. Finally, the verses in question permitting the Muslims to fight were revealed. But he states, there are only three reasons for fighting: "to stop aggression, to protect the Mission of Islam, and to defend religious freedom."<sup>25</sup>

Still, this Sword Verse seems to cancel out the positive role Christians and Jews played in the development of early Islam, including Christians' extension of asylum to persecuted Muslims in Abyssinia and the Jewish tribes' conclusion of agreements with Muhammad in Medina. Jihadists favor this particular verse, and it condemns those who will not recognize Muslim authority. But the first phrase, "Fight against those who believe not in God and the Last Day" actually excludes Jews and Christians. The *jizyah* (non-Muslim poll tax) was used to provide social services (policing, medical, and welfare services) to non-Muslims and Muslims alike. Those who accepted terms and agreed to pay the *jizyah* indicated their acceptance of Muslim political authority and that they would not rise up against the Muslims. The verse does not require conversion of the Jews and Christians. The Wahhabis have altered the word *jizyah*'s meaning to denote "tribute." The challenge for Muslims is to understand the historical context in which verses like al-Tawba were revealed.

The Wahhabi translation of the Quran contains an appendix on *jihad* mentioned above and which does not appear in other versions.<sup>26</sup> The main purposes of this appendix are to counteract the liberal view that *jihad* is not necessarily incumbent on all Muslims at all times, and to assert that any who do not share the views of the translators

are wrong. Such a simplistic presentation neither heeds the writings and discussions of non-Wahhabi Islamic scholars on the legality of warfare, nor situates the changing Islamic position on war and violence in its historical context.

This positioning of *jihad* further bolsters Osama bin Laden's and other radicals' assertions that a "Judeo-Christian crusade" is ongoing, and that it is the duty of all Muslims to oppose it with *jihad*. Bin Laden, who is not a cleric or a religious scholar, cites a *hadith* of the Prophet in this vein in a letter addressed to the Muslims of Pakistan: "The Prophet, may peace and salvation be upon him, said, "Whoever does not participate in a battle or does not support a fighter for Allah . . . God will punish before the Day of Judgment."<sup>27</sup>

### Those Eligible to Fight.

According to the Quran, those who are eligible to become Islamic warriors must meet seven criteria. They must:<sup>28</sup>

1. be a Muslim, although the *hadith* and religious opinions differ on this;

2. have reached puberty or adulthood. Most scholars agree that legal capacity is reached at age 15. They cite a *hadith* about Ibn `Umar, whom the Prophet forbade from fighting at the Battle of Uhud when he was 14 years old, but who was permitted to fight once he turned 15.<sup>29</sup>

3. be of sound mind (al-Nur, Verse 61);

4. possess a free will to choose to participate in warfare (al-Saf, Verse 11: the key word *anfusakum* (of yourself) connotes a free will);

5. be male, though early Islam shows contradictions. Females played a vital role in early Islamic battles; not only did they tend to the wounded, but they engaged in combat and plundered booty as the Islamic army moved forward. In al-Bukhari, Vol. 6, *hadith* numbers 344-416, five women fought alongside Muhammad in the Battle of Uhud, and one, Umm Ahmara, died while engaging a Meccan with a sword. In the *hadith* collection of Muslim, Vol. 3, *hadith* number 1442: "Muhammad asked a woman where she got this dagger. She replied at Uhud and used it to kill a Meccan. Muhammad was satisfied with her answer."<sup>30</sup>

6. have their parents' permission (in al-Bukhari's and al-Nisa'i's collections of *hadith*); and,

7. be debt free, or have a release from his debt by his creditors. This ruling sought to avoid undue economic stress by discouraging a mass volunteering of debtors.

In addition to those excluded above, slaves; those who did not have the means, equipment, or a mount for an expedition (because they were not economically independent); the ill and handicapped; and, according to one legal school, the best Islamic jurist of a town, were all exempt from duty.<sup>31</sup>

Radical clerics do not educate suicide-bombers and would-be jihadists on these finer points of Islamic law and its complexity. For example, Hamas, the Al-Aqsa Martyrs Brigade, and other Islamic militant groups who employ suicide bombers coerce adolescents to join their cause without their parents' permission, violating at least one of the above edicts on fighter eligibility.

Iranian children as young as 9 years old were sent off to fight the "*jihad*" against Iraq, despite a draft age of 18. An estimated 50,000 children were killed in the Iran-Iraq War. The high casualties were explained in one report by lack of weapons, or that the youngsters were employed in highly vulnerable positions, and in suicide attacks.<sup>32</sup> How could this happen? Khomeini issued a *fatwa* or Islamic ruling that permitted children to fight in the Iran-Iraq war without their parents' permission.<sup>33</sup> Competing legal traditions on the age of adulthood grant it at puberty, which could occur at age 12 in boys and age 9 in girls. Here, war propaganda and fervor for martyrdom targeted schoolchildren even younger. Children's rights in Islam have also been violated by military groups in other countries, such as the Sudan.

Hizbullah and other groups have encouraged individuals to make videos of their recruitment as suicide bombers which serve the purpose of explaining their intent to their families, and in some cases, a will. In this way, the principles above are manipulated to legitimate a distorted version of *jihadi* recruitment. Most importantly, these videos are used to recruit others as there is nothing so psychologically powerful as the example of one's peers. Youths argue that it is because

they are young and not yet providing support to dependents that they may choose martyrdom. They have established a dangerous trend and linkage in the public mind between the idealism of youth and that of martyrs for the faith.

### Who is a *Shahid* (Martyr)?

Islamic scholars were very concerned with *niyah* (intent). Today, Muslims confront a version of *jihad* that proclaims martyrdom as its intent, *raison d'être*, and validation. Among Muhammad's sayings on the issue is, "He who has been killed to uphold the word of God has been martyred for his sake" (al-Bukhari, Vol. 1, *hadith* number 223). Yet, Muhammad also dictates that "a person whose intent is glory, booty (spoils), or females has no ties to God, and only God knows who strives for his sake" ["strives" refers here to the process of *jihad*] (al-Bukhari, Vol. 6, No. 430). The second caliph and revered companion to Muhammad, `Umar ibn al-Khattab, once chastised a group who was calling each of their war dead a martyr. `Umar objected, instructing: "they should utter the Prophet's words; whoever died in the cause of God has died a martyr."<sup>34</sup>

Yet, even this exhortation does not belie the historical significance of martyrdom, nor the fact that *jihad* is always described as being "in the cause of God." Numerous *hadith* concerning martyrdom, intended to spur the believers to *jihad*, are found in Malik ibn Anas' text, *al-Muwatta*. Malik ibn Anas (d. 796) was the founder of the Maliki school of Islamic law.<sup>35</sup> Here we learn that `Umar ibn al-Khattab himself longed for death as a martyr: "martyrdom in Your way and death in the city of Your Messenger," and defined the martyr as "the one who gives himself, expectant of reward from Allah."<sup>36</sup>

The valuation of martyrdom in the Shi'i tradition is even more deeply ingrained, reflecting the experience of the sect. One belief is that certain persons, like the Prophets or martyrs, have the ability to intercede for the souls of Muslims as they proceed on the Day of Judgment. Intercession, or *shafa`*, may be granted to martyrs for themselves and others, and also through grieving and shedding tears for the martyrs, `Ali ibn Abi Talib and Hussayn ibn `Ali.

Moderates or Islamic liberals have been attempting to deconstruct the relationship of martyrdom and *jihad*, particularly since 9/11. The

difficult task of building counterarguments relies on the concept of *niyahl*. It is important that disaffected youth or older supporters of the radicals should separate the intent of struggling for Islam from a quest for martyrdom. Martyrdom may be “embraced” or accepted, as Muslims say “submitted to,” without being sought out as an end in itself.

## **Suicide and Hostage-Taking.**

Suicide is also forbidden because God is the Creator of life. Neither suicide nor voluntary or involuntary homicide are permitted, and strict penalties are leveled against murderers. Before Islam, the system of retaliation or payments made to the clan of the injured party served to limit tribal feuding and vendettas. This system continued in Islamic law with the modification that the Muslim state was to exact vengeance, and only the criminal, not his clan, could be injured in kind, although the clan might pay blood money (*dhiya*).<sup>37</sup>

Those who license suicide-bombing claim that bombers are a) engaging in *jihad*, and b) committing “self-martyrdom.” Both statements are questionable, for if there is no lawful *jihad*, they are committing premeditated murder.

Hostage-taking, as now practiced, absolutely is not sanctioned. That is because individuals are being targeted as if they were responsible for the deeds of their own country, or even more indiscriminately as non-Muslims. Second, the principles on taking prisoners and holding them for ransom were iterated differently, depending on whether or not the war was a legitimate *jihad*.

1. *The taking of hostages.* Hostages were seized during the Lebanese civil war and the holding of American hostages in Iran in 1979 may have enlarged the crisis of hostage-taking today in Iraq. Muslim authorities argue against the practice, saying it is unfair to punish an individual for the deeds of a larger entity. In the medieval period, hostages were taken to enforce treaties. They were to be returned to their country of origin if war began. They were not prisoners of war, though combatants could be held and even ransomed.

2. *The killing of Muslim or non-Muslim hostages.* This is decidedly not sanctioned, for it is simultaneously murder, a targeting of noncombatants and a misplacement of responsibility. Some clerics

mention Surah 5, al-Maida, which begins with a discussion of “the two sons of Adam,” Habil and Qabil (Abel and Cain), to teach about the sin of murder, and states:

On that account: We ordained for the Children of Israel that if anyone killed a person—unless it was for murder or spreading mischief on earth—it would be as if he killed all of mankind. And if anyone saved a life, it would be as if he had saved the lives of all mankind. (Verse 32)

Yusuf `Ali explains, in fact, that the story of Cain is a metaphor for the story of Israel’s rebellion against Allah—an interpretation that not all readers accept. But he also writes “To kill or seek to kill an individual because he represents an ideal is to kill all who uphold the ideal. On the other hand, to save an individual life in the same circumstances is to save a whole community. What could be [a] stronger condemnation of individual assassination and revenge?”<sup>38</sup>

### **Muhammad’s Battles.**

Of the 27 battles in which Prophet Muhammad played a direct or indirect role, the first 18 defended the Muslims against the Meccans and the other 9 he initiated against the Meccans and other tribes in Arabia.<sup>39</sup> Each battle introduced new rules on Islamic conduct. The first three battles (Widan, Bewat, and Wadi Safwan) were skirmishes in and around the Juhaynah hills commanding the trade route to Syria, and occurred in the first 2 years of the *hijrah* (migration of Muslims from Mecca to Medina). The Prophet Muhammad formulated rules from these battles, including designating a Muslim battle flag and limiting the reason for battle to self-preservation.

### **The Battle of Badr (Known as Badr the Great).**

The Battle of Badr was a battle in early Islam of such significance that the Egyptians named their 1973 plans to cross the Suez Canal Operation BADR, and the Supreme Council of Islamic Revolution in Iraq (SCIRI) called its military formation the Badr Corps. In this historic battle, approximately 300 Muslims met 1,000 Meccans on the plains of Badr in 627 A.D.. The Meccans were determined to crush

Muhammad and his followers once and for all to ensure access routes to the north. From a legalistic standpoint, several rules emerged from this battle.

1. **Flags and Banners.** To dispel the notion of Muhammad's flag being green like his cloak, many early Islamic texts (chiefly al-Tabari) cite the battle flag as being white. Muslims of the 7th century debated the content of the flag at great lengths. The Muslims' unifying banner differed in the 27 early Islamic battles.<sup>40</sup>

2. **War Spoils.** War spoils were also hotly debated among Muslims after the Battle of Badr. Tribal practice influenced this debate, which continued throughout Muhammad's life, and finally reached a consensus that sanctioned confiscating an adversary's wealth won in battle. This made economic sense as the numbers of those fleeing Mecca for Medina and requiring economic sustenance increased. Prospects of booty could help persuade tribesmen to become warriors for the cause.<sup>41</sup> Spoils were divided depending on whether the person brought a horse to battle as a cavalryman or if he was an infantryman, an archer, or a javelin thrower. A share was also allocated to Medina's poor, especially those who were widowed and orphaned in battle.

3. **Decapitated Heads as Trophies.** Another debate was the Arabian tribal practice of cutting off an enemy's head and displaying the head as a trophy. Two schools of Islamic opinion contest this issue, but the practice generally was frowned upon due to the previously mentioned verse about transgressing beyond the limits of war, and because burial of the dead was instead recommended by the Prophet, according to Abu Ya'la.<sup>42</sup>

Given the shocking beheadings of kidnapped non-Muslim and Muslim hostages in Iraq and the propaganda tool of the Internet, it is important to say here that this barbaric practice is not approved of Islamically. It is true that beheadings take place in the Kingdom of Saudi Arabia for capital crimes and that various Muslim political movements have slain their enemies in this manner, but the only possible religious sanction derived from the killing of polytheistic enemies of the early Muslims. As was suggested above, to extend the status of the polytheistic Meccans to foreigners, who supposedly must pay for the sins of their own nations, runs counter to the definitions

of civilians and combatants according to the medieval law of nations and the modern revisions of law and justice.

Beheadings are not practiced in many other modern Muslim nations. In Saddam Hussein's Iraq, Syria, Egypt, and other states that developed civil legal codes, prison sentences have been substituted for the severe penalties known as the *hudud*. Further, there is a system of justice, even in nations that follow Islamic law, as in Saudi Arabia in which arguments are made, evidence is brought, and individuals may deny their crimes or introduce reasonable doubt as to their culpability. A wide debate on the validity of the *hudud* penalties exists in the Muslim world because they violate international standards of human rights, and they have been protested when they were re-introduced as in the Sudan, Libya, or in Afghanistan under the Taliban.

**4. Dealing with Prisoners of War.** The Battle of Badr also stimulated debate on the disposition of prisoners of war. Muslim jurists have distinguished such rules for combatants, slaves, women, children, and old persons. In 7th century combat, a prisoner of war could expect the worst fate; indeed, a few early Islamic warriors called for the wholesale slaying of all captives. However, Islam attempted to break the habits of Arabian tribal ruthlessness in combat. The Prophet Muhammad's record is mixed, for he had ordered the killing of those he deemed serious enemies of Medina and Islam while sparing others. Muhammad decimated the Jewish tribe of Banu Qurayzah in the Battle of the Ditch. The leaders of this tribe switched allegiance to the Meccans during the battle, according to Islamic accounts, and thus were considered serious enemies by Muhammad. Following Muhammad's practice, the majority of Islamic scholars support the killing of most warriors following combat, while sparing some for ransom or enslavement. However, the debate over prisoners and the morality of killing them would continue beyond Badr and many other Islamic battles.

### **Battles against the Jewish Tribes of Medina.**

The most controversial aspect of Muhammad's relationship with Judaism was his specific experience with the three Jewish tribes of

Medina. Islam is heavily influenced by Judaic law (pork prohibition has its roots in Judaic law), yet the Muslims and Jews of Medina clashed in the 3rd, 4th, 5th, and 7th year of the Hijrah (628-634 A.D.). This fighting led to the expulsion of the Banu Qaynuqa, Banu Nadir, and Banu Qurayzah tribes and the destruction of the Jewish section of Medina known as Khaybar. From an Islamic law of war perspective, interactions with the Jews also led to debates on:<sup>43</sup>

- The cutting of trees during combat, generally prohibited as it denies food and shade in the harsh desert climate;
- the death penalty for insulting the Prophet Muhammad;
- prohibitions on eating animals killed in combat; and,
- killing during the sacred months except in self-defense (i.e., the Muslim months of Ramadan and Muharram, although this rule is not widely enforced and is debatable).

It is important to grasp the context of the disagreements of the past since Islamic militants are using them, taken out of context and in combination with other contemporary grievances, to justify their anti-Semitism. The question of Palestine is not the only, but certainly the most, troublesome of these contemporary grievances for the entire Islamic world. The Islamic, or religious orientation, to the issue is not always well-understood in the West, or even in Israel for that matter. Jerusalem is regarded as the third holy city in Islam. From there, the Prophet Muhammad ascended to the heavens and was acknowledged by the earlier Prophets. Islamists and ordinary Muslims alike claim that Palestine is a religious endowment (*waqf*) for the Muslim community, and this claim stands in addition to the nationalist and territorial arguments of the Palestinians, who are, after all, Christians as well as Muslims. So, a contemporary issue has been welded to the earlier historic disputes, and recurs in the rhetoric of Islamic war as declared by the radicals today.

## **Objections to Christians.**

Islam, Christianity, and Judaism share far more concepts and traditions than most people realize. Most importantly, each is based on Prophetic tradition; that is, the Prophets of the Old Testament,

particularly Moses, as well as Jesus, the Son of Mary, are recognized and honored in Islam. All three faiths possess divine Revelation through their Prophets and share a belief in an afterlife and a Day of Judgment.

Antipathy toward Christians perhaps is more deeply connected to injustices experienced in the colonial and modern era than in the period of early Islam. Many Westerners now believe, thanks to the Muslim radicals' ahistorical rhetoric, that negative perceptions stem from the Crusades. It is true that the Crusaders declared war on Muslim territories, but as their short-lived states were limited geographically and assimilated to the local culture, the Mongols were a far more devastating force in the Muslim world of that time. Still, various mutual misunderstandings and aspects of cultural conflict date from these battles between Muslim groups and "the Franks," as they were then known. The first of the Capitulations, or capitulatory treaties, the most-favored nation treaties that granted strong advantages to foreign mercantile interests, dates back to Louis IX's abortive Crusade effort in Egypt. These treaties caused resentment of the West and were abolished only in the 20th century. Christian ridicule or oppressive practices against Muslims in the colonial period, and actions such as the conversion of mosques to churches and the seizure of religiously endowed lands as in Algeria, exacerbated existing antipathies.

The chief objections that may be traced further back include:

- misunderstandings or antipathy toward the concept of the Trinity, which Muslims often regard as *shirk*, particularly the notion that God is the "third of three" (a reference to the Holy Spirit) or that Jesus has a "share in divinity;"
- objections to the story of the crucifixion; and,
- teachings that Jews and Christians disregarded their own scripture and exhortations by God, and are therefore less righteous than Muslims.<sup>44</sup>

It is understood, however, that Christians and Jews should follow their own rules and regulations and are not held accountable to Muslim obligations. Hence, the radicals' assertions that Muslims should force the Jews to convert or die are absolutely incompatible

with the tolerance that should be extended to the Peoples of the Book. Militants or educators and teachers who utilize the word “Crusader” to mean Christians or Westerners (thereby avoiding any state-ordered penalties) are likewise expressing a sentiment that is incongruous with Muslim tolerance and desire for peace.

### **Interfaith Reconciliation.**

Muslims long have attempted to reconcile their common heritage with Jews and Christians with the tumultuous period of early Islamic history. Later, Jews and Christians had reason to dislike the elements of discrimination applied to them in the past by Muslim states, such as the wearing of distinctive clothing and their restriction to ride donkeys instead of horses as well as other rules, but they did possess the rights to govern their own communities.<sup>45</sup> Muslims likewise can rationally resent past and current hatred and discrimination leveled at them in many parts of the Western world. But it is crucial that Muslims defuse modern radical efforts to categorize Christians and Jews as enemies who are essentially no different than polytheists. It is most important to address and revise the presence of such ideas in educational materials, lectures and sermons, and in fact, the Kingdom of Saudi Arabia’s efforts to rein in and reform these products hopefully will ameliorate these attitudes as a part of the reformation of *jihadist* worldviews. Interfaith reconciliation is not a one-party effort, so it will rely as well on the participation of non-Muslim as well as Muslim representatives, and crucial to its success will be a voluntary attitudinal shift and not only that ordered by governmental authorities.

### **Islamic Code of Conduct in War.**

The media presents many images of innocent women and children who are victims of *jihadist* suicide bombers. If *jihadists* use Islam to justify this violence, then Islamic teachings can also be used to discredit these abhorrent acts. In one Quranic verse, Prophet Muhammad comes across a slain woman while riding in battle, and he frowns with anger.<sup>46</sup> His attitude prompted a distinct code of conduct among Islamic warriors which includes:

- No killing of women, children, and innocents—these might include hermits, monks, or other religious leaders who were deemed noncombatants;
- No wanton killing of livestock and animals;
- No burning or destruction of trees and orchards; and,
- No destruction of wells.

Abu Bakr, the first caliph after Muhammad's death, formulated a detailed set of rules for Islamic conduct during war. He gave the following instructions to a Muslim army setting out for Syria, which was then governed by the Byzantine Empire:

Stop, O people, that I may give you ten rules for your guidance in the battlefield. Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.

The Quran clearly forbids indiscriminate killing as discussed previously in citing from Surah al-Maida, verse 32. These points are reinforced by other sayings of Prophet Muhammad:

It has been narrated on the authority of Abu Huraira that the Messenger of God said: "Do not desire an encounter with the enemy; but when you encounter them, be firm." (*Muslim Book 19, hadith No. 4313*)

It is narrated on the authority of Abdullah that a woman was found killed in one of the battles fought by the Messenger of God. He disapproved of the killing of women and children. (*Muslim Book 19, hadith No. 4319*)

It is narrated by Ibn 'Umar that a woman was found killed in one of these battles; the Messenger of Allah therefore forbade the killing of women and children. (*Muslim Book 19, hadith No. 4320*)

And in a *hadith* narrated by Abdullah ibn 'Amr ibn al-As, Muhammad said: "You are neither hard-hearted nor of fierce character, nor one who shouts in the markets. You do not return evil for evil, but excuse and forgive." (*al-Bukhari, Vol. 6, Book 60, hadith No. 362*).

Even books written by modern Islamic militant ideologues contain a code of conduct for warfare. In the fourth chapter of *Human Rights in Islam*, Abu al-'A'la Mawdudi, one of Pakistan's founding fathers and chief ideologists, states:

Islam has first drawn a clear line of distinction between the combatants and the noncombatants of the enemy country. As far as the noncombatant population, such as women, children, the old and the infirm, etc., is concerned, the instructions of the Prophet are as follows: "Do not kill any old person, any child, or any woman." (Abu Dawud) "Do not kill the monks in monasteries," or "Do not kill the people who are sitting in places of worship." (Musnad of Ibn Hanbal)

During a war, the Prophet saw the corpse of a woman lying on the ground and observed: "She was not fighting. How then came she to be killed?" From this statement of the prophet, jurists have drawn the principle that those who are noncombatants should not be killed during or after the war.

Islamic radicals have defended attacks on civilians with several sorts of twisted logic. Israelis—men and women—serve for different lengths of time as active military, and up to a certain age, in the reserve military forces. Therefore, the popular Shaykh al-Qaradawi and others reason that all Israelis, including women and children, are potential combatants and enemies of Islam. One can see that this logic could then be applied to Western invaders or even travelers who are considered to be enemies or worse, spies. Nepalese civilian workers in Iraq were taken hostage and brutally murdered. Their killers noted that they "worshipped Buddha" (i.e., they were unbelievers) and served the enemies of Islam (the United States). Clearly, the early texts call instead for a normal definition and respectful treatment of noncombatants.

Perhaps the most damning indictment of Osama Bin Laden comes from a text that members or associates of al-Qaeda frequently refer to in their speeches and writings. This text is *The Polity Governed by Islamic Law (al-Siyasa al-Shari'ah)*, a book written by 13th century Islamic jurist Taqi ibn Taymiyyah. Ibn Taymiyyah provides an anarchistic interpretation of *jihad* because he disapproved of Muslim leaders' cooperation with, or lack of condemnation of, the Mongols, a people who followed their own religio-legal code, although those

who conquered the Middle East later converted to Islam. The book argues that a Muslim owes allegiance to a ruler who is considered an upstanding Muslim. From this argument, the converse is constructed—that a ruler who is not an upstanding Muslim is not worthy of allegiance, and may be declared an unbeliever in the process known as *takfir*. What is anarchistic here is that sedition, or revolting against the ruler, was a capital crime in Islam. Violence and upheaval were considered injurious to the Muslim community, so sanctioning *jihad* against a ruler was revolutionary, incendiary, and forbidden, despite the example of various secessionist groups in Islamic history. Ibn Taymiyyah also discounts the Christians' role in early Islamic history and views interfaith commonality as a luxury, giving an ideological justification to declare unrestricted war on Christians and Jews.

However, if a *madrasah* student who is taught from this text simply reads its pages more closely, he would find a contradiction. On pages 144-145, Ibn Taymiyyah explains that killing (warfare) is not the goal of Islam, but is a means of protecting the faith and those who preach it from hostilities. He also writes that those who do not battle Muslims and do not prevent the (free) practice of faith and preaching it are not to be killed, and war is not to be declared upon them.<sup>47</sup> Ibn Taymiyyah's arguments are based on Muhammad's early wars against the Meccans in preserving his society from persecution.

War verses in the Quran, al-Anfal, verses 60-62, have prompted Islamic commentaries on warfare, its preparedness, and the concept of deterrence: "Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the hearts of the enemies of God and your enemies." (Verse 60, al-Anfal) It is easy to simply quote verse 60 and not the next verse: "But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in God: for He is the one that heareth and knoweth." (al-Anfal, Verse 61)

### Early Islamic Debate on Deception in War.

In the 5th year of the *Hijrah*, the Battle of the *Alzab* (Confederation) occurred, in which an army of 10,000 marched on Medina from Mecca. The large Meccan army was faced by 3,000 Muslims. Muhammad

took the advice of Salman al-Farissi (the Persian) to dig a trench around Medina, an uncommon tactic in early Arabian warfare. The trench surprised the Meccans, and, as they laid siege to Medina, the confederation began to split apart.

One of the more important concepts of early Islamic warfare was a debate on deception, or deceptive tactics in warfare, which included the use of techniques unknown to the Arab tribes, espionage, and other actions that were not part of the code of honor at the time. Modern readers who think of intelligence, espionage, or surprise tactics as integral parts of war should try to recall the concepts of chivalry that governed the knights of medieval Europe, in which the rules of dueling and combat were as important as victory itself. The early Muslim warriors believed their very manhood rested on chivalrous, generous, hospitable, and consistently honorable behavior.

The Battle of the Confederacy (also called the Battle of the Ditch) opened a crucial discussion on reconciling honesty, truthfulness, and clarity that every Muslim should strive for with the deceptive strategies employed in warfare. In al-Bukhari, Chapter 73, *hadith* No. 1298, Muhammad said: "Verily, war is deception."<sup>48</sup> Muslims would debate this, and come to the conclusion that deception was sanctioned to win wars but should not operate in daily social life within Medina. Among the tactics used in Muhammad's time during the Battle of the Confederates were:<sup>49</sup>

- Newly converted Naim bin Masud returned to his Meccan tribe and gathered intelligence prior to the Battle of the Confederates. His espionage provided Muhammad and his leaders with valuable information on the weakness of the Meccan alliance with other tribes.
- In the Battle of Bani Lahyan (the first offensive battle initiated by the Muslims), Muhammad ordered his armies northward towards Syria to give the Meccans a sense that they were secure in the south. Muhammad's army then attacked the Meccans from the rear, threatening the tribe in their very encampments.

Drawing upon the *hadith* of al-Nawawi, Islamic scholars agreed that deception in war was sanctioned if practiced upon non-Muslims who had broken truces but was not permitted between non-Muslim and Muslim entities coexisting peacefully. Another Prophetic saying on deception is his statement that a liar is not one whose lies repair relations among people and whose intent is to bring goodness.<sup>50</sup> Here, fair speech, and what we might call “white lies” in the interest of peacemaking, are acceptable and not deceptive.

### **Tactics of Early Islamic Armies.**

Today many Muslims attribute their success in conquering a vast expanse of territory in a relatively short period of time to faith. This typically fuels *jihadist* rhetoric as Muslims today fail to understand the mechanics of early Muslims’ tactical achievements. Arab warriors had trained from childhood in tribal warfare. In pre-teen years, many rode camels and horses, wielded swords, threw spears, and were proficient in the use of the lance and archery.<sup>51</sup>

Many of these Islamic armies did not need to exceed 20,000 troops due to their versatility. The armies harassed the flanks with cavalry, while each infantryman emptied his arrows into the enemy formation, threw his lance, and fought hand-to-hand. Arab armies of the early Islamic period were broken up into units of ten. Muslim women accompanied the military expeditions and often administered aid to wounded Islamic warriors as well as the *coup de grace* for those wounded enemies left in the battlefield. Women would bring up the rear of the Islamic army, collecting weapons, armor, and anything else of value to the moving Muslim force. Islamic warfare also borrowed tactics from Persia and Byzantium, such as Greek fire and siege engines. The *Chronicle of al-Tabari*, written in 923 A.D., offers an account of how early Muslim armies were organized and fought.

Components of an early Muslim army included the following:

- The Guides (*al-Adilla’* or *al-Ada*): Scouts who studied approaches to the terrain and the battlefield.
- The Eyes (*al-Ayun*): Specialists in cavalry reconnaissance.
- The Stuffers (*al-Hashir*): Brought up the rear of an army.
- Those of Action (*al-Fa`alah*): Fixed bridges and dug trenches.
- The Poets (*al-Shu`ara*): Motivated fighters prior to battle.<sup>52</sup>

Early Islamic armies did not devise any notable military technological innovations; their success relied on speed; deception; flexibility; and the use of threats, negotiation, truces, duplicity, patience, and violence.<sup>53</sup> Their weaponry was not advanced. Indigenous to the Arabian heartland were bows and arrows, lances, and a straight sword made in Yemen or India which might be worn in a shoulder harness. References are made to women who fought with tent poles (as lances). Warriors wore leather or simple chain mail shirts. However, once they advanced beyond the Arabian peninsula, these armies adopted the use of the battering rams, catapults, mangonels (a type of large catapult), towers to push against walls, ballistas (used to launch missiles), and mining which were employed in the Byzantine art of war.<sup>54</sup>

Muslim armies gave their adversaries three choices, delivered in writing or orally through a messenger under a flag of truce: (1) embrace Islam, (2) enter into a truce (*ahd*) in which *jizya*, a tax that signaled surrender to Muslim authority in return for relative self-government, was paid, or (3) continue to fight. Al-Tabari termed it the “final ultimatum.” Islamic scholars have debated the issuance of this ultimatum; their positions include:

- Issuing it before the battle (Quran, al-Fath, verse 16).
- The ultimatum is not required as it gives away the element of surprise.<sup>55</sup>
- If the Muslims know the intent of the adversary, then a formal ultimatum is not necessary, but recommended. Two *hadiths* cover the issuance of ultimatums: the first describes Muhammad as not engaging in battle until dialogue proved unsuccessful. In the second, Muhammad sends an expedition to warn the leader to fear God and outlines terms for Muhammad’s victory.

The concepts of truces and when they may be broken—mentioned in the Quran, al-Ma’ida, verse 1, al-Isra’, verse 34, and al-Nahl—also preoccupied early Islamic theologians. Certain legal schools held that a truce or armistice of a *jihad* could be maintained for up to but no longer than 10 years.<sup>56</sup> Events however demonstrated variations on this principle.

Muslim scholar Ibn Khaldun provided a social theory for the Muslims success in battle and applied this theory to other ebbs and flows of power. He wrote of the solidarity or tribal connectedness (*asabiyya*) of the Muslim warriors. Unfortunately, this primordial solidarity tended to break down, as he showed with a historical and proto-sociological analysis, after tribal warriors settled down in urban milieus and over several (three) generations. When Muslims argue that faith was a factor in the military prowess of the Muslims, they often connect this idea of solidarity—formulated in modern terms as *esprit de corps*—and cohesion with the religious idealism that the fighters had in common.

### **Alliances.**

Islamic rulings are further complicated because many Muslim scholars held that innovations potentially were corrupting, leading the community away from the mores of Medina. Yet many new capabilities, weapons, and situations arose. As one might expect, opinions vary on alliances between Muslim and non-Muslim powers. The Ottomans extended the period under which a truce or treaty with a non-Muslim power for commercial reasons could hold from 10 years to the lifetime of a Sultan. Some scholars later held that it was permissible for Muslim states to call for aid from Western allies, as in the Gulf War of 1991.

### **Regular and Irregular *Jihad*.**

Most scholarship on Islamic warfare has been written for a limited academic audience. Since the Islamic Revolution in Iran, the broader Islamic revival, and the rise of numerous militant movements that audience has expanded, and scholars sought to explain the attitudes of *jihadists* to a nonspecialist readership. The classic definitions of Islamic warfare did not, as we have seen, explain the popularity of the *jihadist* vision. John Kelsay, like some other scholars, refers to two forms of warfare in Islam, regular and irregular *jihad*. The strict rules of warfare and definitions discussed in this text involve regular *jihad*; that is, *jihad* designed to expand Muslim territory and which involves two or more nations at war. Irregular *jihad*, which includes

uprisings, revolutions, or internal rebellions, expands the definitions of the Islamic rules of war. As mentioned earlier, each exhibits differing conceptions of leadership, and they are not considered equally valid. Kelsay writes,

From the perspective of groups like Hamas and Islamic *Jihad*, irregular war is a fact of life. The necessity to struggle against injustice is an obligation that Muslims cannot ignore . . . assassinations, deception, kidnappings—these acts which are either justified or excused by the realities of the struggle that contemporary Muslims are commanded to undertake. Or so irregulars argue.<sup>57</sup>

This unorthodox argument,<sup>58</sup> along with the previously explained idea of labeling a Muslim as a non-Muslim (*takfir*), the perception of the Muslim world as being in a non-Islamic (*jahili*) condition, and the view of *jihad* as the sole solution, is factionalizing the Muslim world. It distorts the classical definitions of war against apostates, unbelievers, rebels, and brigands, and misdirects the debate over the nature of the collective or individual duty to *jihad*.

This argument ignores Islamic scholarship on the topic of warfare, arguing that certain tactics, if employed under the guise of irregular warfare, are legitimate and not subject to conventions and restrictions. That Islamic militants are attempting to create new doctrine to circumvent the body of Quranic verses and prophetic sayings that do not support their goals is significant. It is not very certain that Muslim youth understand the distinction between modern and classic, or moderate and radical versions. This is so despite the fact that extremism, terrorism, and irregular acts of violence are generally disapproved of in the classical texts.<sup>59</sup> Clerics could more clearly explain to their public how Islamic injunctions discredit the radicals' tactics of suicide operations, assassinations, kidnappings, hostage-taking, and ransom demands.

## Conclusion.

Understanding the importance of the classic Islamic texts and the ultimate goals of Islam itself—peace and social equity—will enable us to fight terrorism through information operations combined with other means. It will also permit us to better comprehend the views and options of our Muslim allies.

Al-Qaeda and like-minded groups seek to employ Islam and secure Islamic conquest for their own purposes and ignore the emphases that the sacred texts place on restraint and justice. Osama Bin Laden and other extremists want Muslims to believe that Muhammad took up the sword to kill disbelievers, while Islamic texts show that Muhammad resorted to fighting only in defense of his new society in Medina. Religious scholars must work more assiduously to discredit this version of Islamic history.

We are not proclaiming or inventing an Islamic “reformation,” a theme that has been appearing in the media. An Islamic reform movement began in the 19th century, and there is a well-established tradition of liberal “readings” of the texts. Unfortunately, the extremists and other trends of Muslim thinkers have countered many of these arguments, seeing them as instruments for Westernization. The emphasis on justice, moderation, and restraint long predates our era. Hopefully, it will bring Muslims closer to other faiths and heal the fissures created by the extremists’ brand of Islamic warfare.

### **Policy Recommendations and Concerns.**

The United States rightly has identified the stultification and even subversion of Islamic education in places like Saudi Arabia, Afghanistan, and Pakistan. *Madrasas* there do not focus on the complexity of the classical texts of Islam, nor teach students to analyze the reasons for this complex nature, but instead indoctrinate martyrdom and bellicosity. However, the dilemma goes far beyond these problems. As much as we wish to encourage alternatives to Islamic militancy, we need to recognize that they cannot be dictated to Muslims on our own terms and according to our preferred scenarios. Indeed, heated debate and conflicts between Muslims on the role of religion in their politics and societies likely will continue for many decades. If democratization is to proceed, these conflicts may become even more pronounced and the results may not be to the secular Westerner’s taste. At the very least, as American military and diplomatic personnel engage in the Middle East, a more complex understanding of Islam is needed to guide us and help us comprehend our Muslim allies’ fight against Islamic ideological extremism.

In a 1938 speech urging greater U.S. involvement against the Nazis, Winston Churchill pleaded: "We must arm. Britain must arm. America must arm . . . but arms . . . are not sufficient by themselves. We must add to them the power of ideas."<sup>60</sup> With this in mind, U.S. policymakers should:

1. *Become more cognizant of the complexity of Islamic law and the debates among Muslims.* This does not mean that policymakers should direct the process or outcome of these debates.

2. *Be aware of the danger of simplistic characterizations of Islam as a "violent religion."* Such characterizations inflame the emotions of Muslims everywhere, heighten perceptions of Western hostility, and limit our own ability to understand the future of the war on terrorism.

3. *Understand how jihadist groups manipulate, hide and deemphasize aspects of Islamic history, law, and Quranic verses.* Jihadists and the madrasas and study groups they sponsor are not creating theologians who will contribute to the spiritual growth of Islam but suicide bombers and foot-soldiers involved in Islamic nihilism.

4. *Recognize that what al-Qaeda and its franchises fear most are Islamic laws, histories, and principles that do not conform to their militant ideologies.* Therefore, the struggle between liberal and radical interpretations of Islam is a key aspect of the global war on terror.

5. *Acknowledge that a perfectly defined delineation between "mainstream" and extremist views is not evident.* Al-Qaeda and other jihadists proselytize with interpretations such as those of Muhammad ibn Abd al-Wahhab, Ibn Taymiyya, and Sayyid Qutb. But Wahhabism is at the core of today's Saudi Arabia, and Saudis must decide how to best counter interpretations that lead toward extremism. Ibn Taymiyya's and Sayyid Qutb's notions of social justice, the necessary Islamic character of leadership, and the importance of the Quran are highly palatable ideas to most Muslims, in contrast with other key jihadist notions in these theorists' work. That mixture of palatable and offensive ideas compounds the difficulties of the Egyptian government in seeking to limit radical influence. We nonetheless must understand the implications of the measures our allies choose to adopt.

6. *Realize that the majority of Muslims do not speak Arabic.* This means that Islamic teachings can be manipulated, as evidenced

by the varying English translations of the Quran ranging from the moderate to the radical. To the non-Arabic speaking masses in Afghanistan, Pakistan, or Indonesia, Arabic is a sacred language. Therefore, a radical cleric preaching and lacing his speech with Arabic and Quranic words takes on an air of holiness, even though the sentiments he expresses reflect *jihadic* opinion.

7. *U.S. forces, particularly those involved in psychological operations, need to be educated in aspects of Islamic history, law, and culture. As Islamic militants quote and violently interpret verses from the Quran and hadith, U.S. and allied forces should not plead ignorance, but achieve a higher level of familiarity with religious and other aspects of Muslim culture. U.S. and allied forces may better comprehend the specific dilemmas of our Muslim allies if they are familiar with the messages of jihadist and moderate Islam. Alternatively, they should consult experts who are well-versed in these matters.*

8. *Recognize the simultaneous impracticality of armistices and reconciliation with Islamist militants, and the Islamic rationale for attempting such solutions. Such efforts were attempted in both Saudi Arabia and Iraq, but, in fact, those already passionately committed to the jihadist worldview will not be won over, and only those less committed might waver. We might therefore conclude more pessimistically.*

9. *Factor in the possibility of failure in the battle against jihadist sentiment, while working as assiduously as possible for a different outcome. That Islamism consists of moderate as well as radical, extremist groups operating in a politically unstable environment may rather point to a protracted struggle and period of reformulation. Knowledge of Islamic discourses will still be helpful and necessary in determining our responses to such a situation.*

## GLOSSARY OF ISLAMIC TERMS, PERSONALITIES, AND ORGANIZATIONS

*Abd al-Wahhab, Muhammad*: Founder of Wahhabism. Cleric who lived in the mid-18th century and sought to purify Arabia Islamically. His strict brand of Islam and mission to purge Arabia of pre-Islamic practices was adopted by Muhammad Ibn Saud in the 1740s. The Wahhabis call themselves *Muwahhidun* (Unitarians).

*Abu Bakr*: The first caliph of Islam after Muhammad's death.

*Abu Dawud*: An early Muslim who compiled *hadiths* (prophetic sayings and deeds). The name may apply to his compendium.

*Abu Huraira*: An early Muslim who collected a large number of *hadiths* (prophetic sayings and deeds) soon after the Prophet's death. The name applies to the person and his compendium.

*Abu Sufyan*: Initially the Prophet Muhammad's fiercest opponent in Mecca, he was responsible for the initial genocide of Muslims and their exile from Mecca. After the capture of Mecca in 630 A.D., he converted to Islam. Abu Sufyan's descendants would become the Ummayyad dynasty of 661-750 A.D.

*al-Adilla' or al-Ada'* (The Guides): Scouts, who studied approaches to the terrain and the battlefield.

*`Ahd*: A truce.

*Ahl al-Kitab*: (Peoples of the Book): Scriptuaries, or monotheists who possess a revelatory scripture: Jews, Christians, Magians (Zoroastrians), and Sabaeans.

*'Ali bin Abu Talib*: Prophet Muhammad's cousin and son-in-law, who rose to become the fourth caliph of Islam.

*Aman*: A safe-passage agreement issued to a person from non-Muslim territory. One carrying an *aman*, but found to be a spy, could be executed.

*Apostasy*: One of the most serious crimes in Islamic law. Denying one's faith in Islam, or conversion to another religious creed.

*`Asabiyya*: Group feeling, or solidarity, *esprit de corps* of the early Muslim warriors.

*Awqaf*: Prohibitory and perpetual endowments; like a lawful form of mortmain. A Muslim may set aside land or property and the income deriving from it, as *awqaf*. Neither rulers nor heirs could seize *awqaf*. It supported schools, libraries, or other public works, and the Muslim clerics were in charge of it prior to the creation of state supervisory bodies or ministries.

*`Ayun* (Eyes): Specialists in cavalry reconnaissance.

*Ba`athat*: Noncombat expeditions or missions that could be diplomatic in nature, a courier, or political exchange. Certain Islamic texts consider these to be combative in nature.

*Badr Corps*: The military wing of the Supreme Council of Islamic Revolution in Iraq (SCIRI).

*Banu Nadir*: One of three Jewish tribes living in Medina.

*Banu Qaynuqah*: One of three Jewish tribes living in Medina.

*Banu Qurayza*: One of three Jewish tribes living in Medina.

*al-Bukhari*: Compiler of one of the highly respected, or "sound," *hadith* collections.

*Caliph (Khalifah)*: A political office used to govern urban areas of pre-Islamic Arabia and chosen by the consensus of tribal elders. The term predates Islam and simply means "successor." The four Caliphs to succeed Muhammad from 570-632 A.D were, in order, Abu Bakr, `Umar, `Uthman, and `Ali.

*Dar al-Islam*: Literally the abode or house of Islam. The territory controlled by Muslims where Islamic law is observed.

*Dar al-harb*: Literally the abode or house of war. Territory that is not controlled by Muslims.

*al-Fa`alah*: (Those of Action): Fighters designated to fix bridges, dig trenches, and ditches.

*Fatwa*: An opinion, or *responsum*, issued by an Islamic jurist. A *fatwa* answers a particular question, and in Sunni Islam, jurists utilize the Quran, *hadith*, legal analogy, and consensus in *fatwa* construction, while Shi'i jurists may also use a creative process known as *ijtihad*. Khomani, as an Ayatollah, the Mufti of a Muslim city or country, or a well-educated `alim or religious scholar is qualified to issue a *fatwa*, but Osama bin Laden is not qualified to do so.

*Fitnah*: The term has many meanings, including sedition, schism, insurrection, to mislead, and to guide in error.

*Ghazw*: Originally meant a raid but has evolved into the term for battle. When one sees this term in the context of a sentence, it may also denote battles that the Prophet Muhammad participated in directly.

*Hadith*: *Hadith* are sayings and actions of the Prophet Muhammad, and there are seven collections of compiled *hadith* that are considered to be "sound," or reliable by the majority of Muslims: al-Bukhari, Al-Tirmidhi, Muslim, Abu Dawud, al-Nisa'i, al-Nawawi, and Ibn Majah. These are the recorded sayings of Muhammad or his Companions, in both the Shiite and Sunni versions of Islam.

*Harb*: War, the general term for warfare not specifically designated as *jihad*.

*Hashir*: (Stuffer): Specialists who brought up the rear of an army.

*Hijrah*: Refers to the migration of Muslims from Mecca to Medina and Prophet Muhammad escaping the genocide of Muslims in Mecca around 622 A.D.

*Hudud*: Severe penalties for the capital crimes in Islamic law which include apostasy, sedition, adultery, and fornication. At the court's discretion, the penalties may be death by the sword, lapidation (stoning, usually to death), or lashing.

*Ibn Kathir*: Islamic scholar who lived in the 13th century and authored 13 major works of Islamic history, thought, jurisprudence, and explanations of the Quran and *hadith*. Ibn Kathir was a student of Ibn Taymiyyah and two other major Islamic scholars in Damascus of the middle 13th century.

*Ibn Taymiyyah*: A 13th century Islamic jurist who redefined *jihad* and apostasy to address the Crusades and the Mongols who had invaded the region and influenced local rulers in his day. He is considered a spiritual source for Islamic militants and al-Qaeda.

*Ibn `Umar*: A person who knew and fought with Prophet Muhammad and recorded his sayings and deeds.

*Imam*: An *imam* is, in one meaning of the word, merely a prayer-leader. For the Shi`a Muslims, the *Imam* is appointed by God to lead the Muslims. The Ja`fari Shi`a sect are called the Twelvers because of their belief in a line of twelve *Imams* who were the rightful authorities, the last of which is in occultation (absent, not dead or alive) and will return one day to humanity. In the Muslim rulings on war, the term *imam* stands for the legitimate ruler, who was then called the caliph. For that reason, radical leaders have sometimes used the title of *Imam*.

*Jahili*: From the pre-Islamic period, or "time of ignorance." Islamists often brand the West, or their own governments, as being in a state of *Jahiliyya*, just like the pre-Islamic world.

*Jihad*: Struggle or offensive war. Frequently defined in English as "holy war," Muslims distinguish between the greater *jihad*, the daily struggle to fulfill the requirements and ideals of Islam, and the lesser *jihad*, fighting for the faith.

*Jizyah*: A tax levied on the Jews and Christians, who are not subject, as are Muslims, to payment of *zakat*. The *jizyah* was similar to the Roman poll tax. Land taxes were also charged.

*Kaffir*: a polytheist.

*Khaybar*: The Jewish section of Medina when Prophet Muhammad governed the city.

*Khida`*: Deception or stratagem.

*Madrasah*: An Islamic school.

*Maghribi*: Arabic geographical reference to North Africa (present day Morocco, Algeria, Tunisia, and Libya).

*Malik ibn Anas*: An early Islamic scholar who founded the Maliki school, or *madhhab* of Islamic law.

*Mawdudi, Abu al-`A`la*: One of the founders of Pakistan.

*Mecca*: The Prophet's birthplace and where he began preaching. Mecca is also home to the Kaaba, a cube structure that is considered by Muslims to be the first house for monotheistic worship, built by Adam and rebuilt by Abraham and his son, Ishmael. Mecca is the holiest site in Islam.

*Medina*: Originally called Yathrib, Muhammad and his followers migrated here to escape religious persecution by the Meccans and to establish an Islamic society. It was then named *madinat al-nabi* (city of the Prophet). Muhammad, Abu Bakr, and `Umar are buried here, and Medina is the second holiest site in Islam.

*Mufti*: A Muslim official who is entitled to issue a religious opinion. Often represents a city or entire state.

*Muhammad*: Prophet of Islam who lived from 570-632 A.D.

*Musnad*: A term used to explain a concept and from where these words are supported (either in the Quran or one of the four main Sunni schools of Islamic thought [Hanbali, Shaf'i, Maliki, or Hanafi]).

*Niyah*: Intention, specifically the pure intention to commit an act. For instance, scholars argue that the intent for prayer is more important than the physical completion of that act.

*Qital*: Fighting or killing, a term for military activity used in the Quran.

*Quran*: Islamic book of divine revelation. The Quran is divided into 114 Suras, or chapters, with 6,219 Ayahs or verses.

*Saraya*: These are battles that Prophet Muhammad commissioned but did not lead. Also advanced raiding parties and reconnaissance groups, usually on horseback.

*Sayyid Qutb*: Leader of the Muslim Brotherhood of Egypt who was executed in 1966 and is considered a founding ideologue of the Islamic militant trend in that country, and regionally. He wrote that Muslims were living in a

state of *jahiliyyah*, or pre-Islamic ignorance, and held that only *jihad* would overcome this condition and achieve an Islamic state.

*Shafa`*: Intercession with Allah on the Day of Judgment when all souls shall come before Him. This intercession can be carried out by an intermediary, the Prophet Muhammad, or one of the martyrs, or, for the Shi`a, one of the *Imams*.

*Shahid*: One who is martyred for the cause of Islam.

*Shari`ah*: Islamic law. Islamic law is based upon the Quran, the *hadith*, *qiyas* (analogy), and *ijma`* (consensus). Jurists of the Shi`i tradition may also utilize *ijtihad* (a creative interpretive process) to issue an Islamic legal ruling, or *fatwa*. Prior to 19th century Ottoman reforms, Islamic law was not codified.

*Shirk*: Polytheism, idol worship. Many pre-Islamic Arabs believed in a pantheon of gods and goddesses.

*Shu`ara`* (Poets): Orators and poets who encouraged fighters and motivated them prior to the battle.

*Shuhada*: Martyrdom. For Shi`a Muslims, the concept refers to `Ali ibn Abi Talib and Hussayn who were killed by the Ummayyads in battle. For Sunni and Shi`a Muslims, martyrdom may refer to those who participate in *jihad*.

*Siyar*: The Islamic law of nations. An area of law that is the early equivalent of international law and the rules governing hostilities, peacemaking, and treatment of foreign nationals.

*Turath*: Islamic or Arab legacy or precedent. The Arab and Muslim intellectual circles frequently argue over the definitions of this legacy, always seeing it as a core social, political, cultural, and religious element under siege in an era of globalization.

*`Umar*: The second caliph of Islam who succeeded Abu Bakr.

*Waqf*. (*Awqaf*, plural): A religious endowment that theoretically exists in perpetuity. A Muslim may set aside land or property and the income deriving from it, as *waqf*. Neither rulers nor heirs could seize *awqaf*. It

supported schools, libraries, or other public works, and Muslim clerics were in charge of it prior to the creation of state supervisory bodies or ministries.

*Zakat*: Charity. A voluntary payment of a set percent of a Muslim's income and assets that is one of the five duties, or Pillars of Islam.

## ENDNOTES

1. Umar Ibn Ibrahim Al-Awasi al-Ansari, *Tafrij al-qurub fi tadbir al-hurub* (*A Muslim Manual of War*), George T. Scanlon, ed. and trans., Cairo: American University at Cairo Press, 1961, pp. 1-4.

2. *Ibid.*, pp. 7-19.

3. See *The Islamic Law of Nations: Shaybani's Siyar* (*Kitab al-siyar al-kabir*), Majid Khadduri, trans., Baltimore: Johns Hopkins Press, 1966. Also see Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins Press, 1955.

4. The finer points of a *fatwa* rest upon language, but also, in our times, on politics. Simply put, *fatwas* state whether something is approved, disapproved, or neutral in Islam. Often fairly brief, the jurist may explain the principles foremost in his mind, or divide the question into sub-points, each with a particular response. See, for instance, Yvonne Yazbeck Haddad, "Operation Desert Storm and the War of Fatwas," in Muhammad Khalid Masud, Brinkley Messick, and David S. Power, eds., *Islamic Legal Interpretation and Their Fatwas*, Cambridge, MA: Harvard University Press, 1996, pp. 297-309.

5. See, among other sources, Fred Donner, "The Sources of Islamic Conceptions of War," in John Kelsay and James Turner Johnson, eds., *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, Westport, CT: Greenwood Press, 1991.

6. Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins Press, 1955, p. 58.

7. Numerous details on the rules of safe-conduct, or *aman*, are provided in al-Shaybani's *Siyar*. See *The Islamic Law of Nations: Shaybani's Siyar* (*Kitab al-siyar al-kabir*), Majid Khadduri, trans., Baltimore: Johns Hopkins Press, 1966, pp. 158-194.

8. Bernard Lewis, *The Political Language of Islam*, Chicago: University of Chicago Press, 1982, pp. 82-83. See also Rudolph Peters, *Jihad in Classical and Modern Islam*, Princeton: Markus Wiener, 1996, p. 5.

9. Abdulaziz A. Sachedina, "The Development of *Jihad* in Islamic Revelation and History," in James T. Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, New York: Greenwood, 1990, pp. 41, 45, 46, 47. Also see A. A. Sachedina, *The Just Ruler in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamate Jurisprudence*, New York: Oxford University Press, 1988, pp. 105-117.

10. See, for additional information, Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law*, New York: Cambridge University Press, 2001.

11. The Magians were a priestly caste of a pre-Islamic monotheistic Iranian sect sometimes confused with the Zoroastrians. The Sabeans were another monotheistic group, also known as the Mandeans.

12. Khadduri, *War and Peace*, p. 81, and the entire chapter, pp. 74-82.

13. Mahmoud Khalaf Jarad al-Issawi, *Fiqh al-ghazw (Islamic Jurisprudence of Battle)*, Amman, Jordan: Dar Ammar Printing Press, 2000, pp. 18-21.
14. We often refer to Abdullah Yusuf `Ali, *The Holy Quran: Translation and Commentary*, Brentwood, MD: Amana Corporation, 1983, often called the Washington translation. It is moderate in tone and provides in depth interpretations for the translated verses. We also consulted Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan's *Interpretation of the Holy Quran in the English Language: A Summarized Version of Al-Tabari, Al-Qurtubi, and Ibn Kathir with Comments from Sahih-Bukhari, Summarized in One Volume*, Riyadh, Saudi Arabia: Dar-u-Salam, Publishers, 1994. This edition is more conservative in approach, with an exclusively Saudi Islamic translation and view of the Quran, here referred to as the Wahhabi version. Other English translations such as those by Arberry, Dawood, and Pickthall may be consulted, but even untrained readers will notice some differences in wording and style in each.
15. Mahmud Shaltut, "The Koran and Fighting," as translated by Rudolph Peters from *al-Qur'an wa-al-qital*, Cairo: Matba'at al-Nasr and Maktab Ittihad al-Sharq, 1948; and Cairo: Dar al-Kitab al-'Arabi, 1951, in Rudolph Peters, *Jihad in Classical and Modern Islam*, Princeton: Markus Weiner, 1996, pp. 69, 70, 79.
16. Al-Issawi, *Fiqh al-ghazw*, p. 23.
17. Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan's *Interpretation of the Holy Quran in the English Language*, pp. 845-864; Elias A. Elias, *Modern Arabic-English Dictionary*, Beirut: Dar al-Khayl, 1972, p. 493; and J. M. Cowan, ed., *The Hans Wehr Dictionary of Modern Arabic*, p. 815.
18. Sohail Hashmi, "Interpreting the Islamic Ethics of War and Peace," in Sohail Hashmi, ed., *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*, Princeton, NJ: Princeton University Press, 2002, p. 204.
19. Khaled Abou El Fadl, "*Ahkam al-Bughat: Irregular Warfare and the Law of Rebellion in Islam*," in James Turner Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, Westport, CT: Greenwood Press, 1990.
20. Yusuf `Ali, *Meaning of the Holy Qur'an*, p. 78, footnote 211.
21. Peters, *Jihad*, p. 6.
22. Al-Hilali and Khan, *Interpretation of the Meaning of the Holy Quran*, pp. 1043-1064.
23. One may also go back to Franz Rosenthal, "On Suicide in Islam," *Journal of the American Oriental Society*, Vol. 66, 1946, pp. 239-259; Jalaluddin Umri, "Suicide or Termination of Life," *Islamic Comparative Law Quarterly*, Vol. 7, 1987, pp. 136-44.
24. Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History*, The Hague: Mouton Publishers, 1979, p. 13.
25. Shaltut, "The Koran and Fighting," in Peters, *Jihad*, p. 79.

26. Al-Hilali and Khan's *Interpretation of the Holy Quran*, pp. 845-864.
27. Document 35, "Letter to Muslims of Pakistan," in Roland Jacquard, *In the Name of Osama bin Laden: Global Terrorism and the Bin Laden Brotherhood*, Durham and London: Duke University Press, 2002, p. 259.
28. Abu Lababah Hussein, *al-Islam wa al-harb (Islam and Warfare)*, Riyadh: Dar al-Liwa Publishers, 1979, pp. 39-50.
29. A. J. Wensinck, *Concordance et indices de la tradition musulmane*, 7 Vols. Leiden: Brill, 1936-39, Vol IV, p. 180.
30. Hussein, *al-Islam wa-al-harb*, p. 48.
31. Peters, *Islam and Colonialism*, pp. 16-17.
32. Maryam Elahi, "Rights of the Child under Islamic Law: Prohibition of the Child Soldier," in Elizabeth Warnock Fernea, ed., *Children in the Muslim Middle East*, Austin: University of Texas Press, 1995.
33. *Ibid.*, p. 373.
34. Hussein, *al-Islam*, pp. 45-50.
35. This text was recensed by al-Masmudi (d. 848) and al-Shaybani (d. 805), who was noted for his extensive use of *hadith*.
36. Passages from Malik's *Muwatta*, in Peters, *Jihad*, p. 23; or see Malik ibn Anas, *Al-Muwatta of Imam Malik ibn Anas: The First Formulation of Islamic Law*. Aisha Aburrahman Bewley, trans., London and New York: Kegan Paul, 1989, pp. 173-174, 180-182.
37. The penalties for homicide, bodily harm, and damage to property are described succinctly in Joseph Schacht, *An Introduction to Islamic Law*, Oxford: Clarendon Press, 1964, pp. 181-187.
38. `Ali, *The Meaning of the Holy Qur'an*, p. 257, footnote 737.
39. Hussein, *al-Islam*, pp. 37-38.
40. Al-Issawi, *Fiqh al-ghazw*, pp. 68-70.
41. *Ibid.*, pp. 108-114.
42. Abu Ya'la, *Kitab al-Ahkam al-Sultaniyya*, Al-Fiqqi, ed., Cairo: 1938, p. 34, cited by Khadduri, *War and Peace*, p. 108.
43. Al-Issawi, *Fiqh al-ghazw*, pp. 116-118.
44. The two essays that follow the Wahhabi translation of the Qur'an, "The Jews and the Christians" (no author indicated) and Muhammad Taqi ud-Din Hilali "Jesus and Muhammad in the Bible and the Qur'an and Biblical Evidence of Jesus Being a Servant of God and Having No Share in Divinity," in terms of tone and organization surely create an impediment to interfaith tolerance, although that may not be the intent of the translator/interpreters. Al-Hilali and Khan, *Interpretation of the Meanings of the Noble Qur'an*, pp. 1025-1041.
45. Khadduri, *War and Peace*, pp. 196-199.

46. Al-Issawi, *Fiqh al-ghazw*, pp. 151-209.
47. Hussein, *al-Islam*, p. 26.
48. *Sahih al-Bukhari*, Muhammad Muhsin Khan, trans., Medina: Islamic University of Medina, Saudi Arabia, 1996.
49. *Ibid.*, pp. 324-329.
50. *Ibid.*, p. 328.
51. Christon I. Archer, *et al*; *World History of Warfare*, Lincoln: University of Nebraska Press, 2002, pp. 152-163.
52. Al-Issawi, *Fiqh al-ghazw*, pp. 52-54.
53. Archer, *et al.*, *World History of Warfare*, p. 162.
54. Edmund Bosworth, "Armies of the Prophet: Strategy, Tactics and Weapons in Islamic Warfare," in Bernard Lewis, ed., *Islam and the Arab World*, New York: Alfred A. Knopf, 1976, p. 202.
55. Al-Issawi, *Fiqh al-ghazw*, pp. 39-44.
56. Peters, *Islam and Colonialism*, p. 33.
57. John Kelsay, *Islam and War*, Louisville, KY: John Knox Press, 1993, pp. 106-107.
58. The terms "regular" and "irregular" are foreign to the conceptualization of *jihad* as found in Muslim sources. As we explained earlier, the more cogent questions are: what type of *jihad* is intended? Is it *jihad* or merely *qital*? And, who has authorized *jihad*?
59. Tamara Sonn, "Irregular Warfare and Terrorism in Islam: Asking the Right Questions," in Johnson and Kelsay, eds., *Cross, Crescent and Sword*.
60. Extract from broadcast to the United States, October 16, 1938, Churchill Archives Center, Churchill Papers, CHAR 9/132.